

Remarks

Claims 10-29 are pending in the application, with claims 10, 19 and 20 being the independent claims. Claims 1-9 have been canceled, and claim 11 has been withdrawn from consideration. Claim 26 has been amended to overcome the claim objection noted in the Action, and claim 14 has been amended to correct a minor typographical error.

Based on the present Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Acknowledgement of Allowed Subject Matter

The indication that claims 19-25 are allowed is gratefully noted.

Rejections under 35 U.S.C. § 102

Claims 10, 12, 13, 16 and 26-29 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,534,252 to Harrington et al. ("Harrington").

Referring to the list of claim elements of claim 10 listed in item 4 of the Action, it is alleged that in c) that reference number 12 of Harrington represents a "first counterpoise," rotating around the axis A.

It is also noted that counter weight 12 does not rotate around axis A, as argued in the rejection. Counter weight 12 is attached to the driving crank 10 and rotates around the center O. (Harrington, col. 2, lines 46-50 and Fig. 1).

The Action, in d), states that a "second counterpoise" 12 of Harrington rotates around a second axis A, wherein the second axis A is positioned at a distance to the first axis A. As previously stated in the above, the counter weight 12 shown in Figure 1 of Harrington does not rotate around the axis A, but around the center O.

However, it is noted that reference number 11 (counter weight) is attached to the planetary wheel 8 and rotates around the axis A. (Harrington, col. 2, lines 45-47).

It is obvious to the person skilled in the art that the arrangement of the counter weights 11 and 12 respectively serves to realize **a mass balancing through a direct arrangement of balancing weights on the crankshafts**. This intent is clearly disclosed in connection with the description for Figure 1 (Harrington, col. 2, lines 46-53). In view of Figure 1, it is respectfully submitted that Harrington provides each crank drive (left crank drive and right crank drive) with an identical mass balance of a traditional type. Harrington fails to disclose first and second counterpoises that form an arrangement that compensates for lack of balance of a single drive, as recited by claim 1.

As such, Harrington fails to anticipate claim 10, and claim 10 is allowable over Harrington. Claims 12, 13, 16 and 26-29 depend from claim 10 and are allowable as depending from an allowable claim.

Rejections under 35 U.S.C. § 103

Claims 10, 14 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,050,471 to Niemann ("Niemann") in view of Harrington.

In item 5 of the Action, it is argued that Niemann fails to teach all of the features of claim 10, and Harrington is cited for disclosing first and second counterpoises arranged to orbit about respective axis spaced apart from one another. As noted above, it is respectfully submitted that Harrington fails to teach this features. As such, claim 10 is allowable over Harrington and Niemann. Claims 14 and 15 depend from claim 10 and are allowable as depending from an allowable claim.

Claims 17 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Harrington in view of U.S. Patent No. 3,915,041 to Trofimov et al. ("Trofimov"). Claims 17 and 18 depend from claim 10. Trofimov fails to cure the deficiency of the rejection of claim 10, discussed above. As such, claims 17 and 18 are allowable for depending on an allowable claim.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner

Appl. No. 09/736,190
Amendment dated June 22, 2004
Reply to Office Action of March 22, 2004

reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

A Notice of Allowance with claims 10-29 is respectfully requested.

Respectfully submitted,

Date: 06/12/04



Chad C. Anderson
Registration No. 44,505
VENABLE
P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-8257
Telefax: (202) 344-8300

#557505